IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 8740 of 2004

Between:
Pemmasani Pichi Naidu, S/o. Yanadi Naidu,
R/o. Siddipuram Village, Sangam Mandal, Nellore District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Sangam Mandal, Nellore District.
2 The Revenue Divisional Officer, Kavali Mandal, Nellore District.
3 The Executive Engineer, Pollution Control Board,
A.K. Nagar, Nellore District.
4 Thokkavarapu Srinivasulu Reddy, S/o. Krishna Reddy,
R/o. Siddipuram Village, Sangam Mandal, Nellore District.
5 Thokkavarapu Dasaratharami Reddy, S/o. Krishna Reddy,
MDO Office, R/o. Siddipuram Village, Sangam Mandal, Nellore District.
6. The District Collector, Nellore District, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the in action of the respondents 1to3 in preventing the respondents No. 4 and 5 from converting their agricultural lands to prawn culture situated in Siddipuram Village, Sangam Mandal, Nellore District in Sy. No. 345/B, for an extent of Ac. 2.50 cents to wet land situated adjacent to the

lands of the petitioner despite the representation followed up by latest representation dt. 5-4-2004, as illegal, arbitrary and in violation of Article 21 of the constitution of India and the provisions of Board Standing orders, A.P. Revenue Laws Environment Protection Act and consequently direct the respondents No. 1 to 3 remove the ponds for prawn culture in the above said lands of respondent No. 4 and 5 and pass such other order or orders.

For the Petitioner: MR.M.VENKATA NARAYANA

Counsel for Respondents : GP FOR REVENUE for RR 1,2 &6
Mr.S.V.Bhatt for R-3.
None for RR 4 & 5.

The Court Made the Following :

ORAL ORDER: (per The Honourable Sri Devinder Gupta, the Chief Justice)

On the oral prayer of learned counsel for the petitioner, the District Collector, Nellore District, is added as Respondent No.6.

We have heard the learned counsel for the petitioner, learned Government Pleader for Revenue for Respondents, 1, 2 and 6, and, Mr. S.V.Bhatt for Respondent No.3. Notice need not be issued at this stage to Respondents 4 and 5.

The grievance of the petitioner is that he is the owner of an extent of 2.02 cents of wetland in Survey No. 345/A and an extent of 0.45 cents of wetland in Sy.No.344, situated at Siddipuram village of Sangam Mandal, Nellore District. Respondents 4 and 5 own an extent of Ac. 2.50 cents in Sy.No.345/B, situated at Siddipuram village of Sangam Mandal, Nellore District, and, they converted the said land into prawn culture ponds without obtaining necessary permission from the competent authorities. Earlier, they were raising paddy crops in the said land, and, there is an irrigation channel on the South of respondents' land which runs up to the lands of the petitioner and the prawn ponds are opened into the said channel, thereby, causing

damage to the petitioner's property. It is stated that the petitioner submitted a representation on 5.4.2004 to respondents 1 to 3, but there is no action on their part. Accordingly, direction is sought by the petitioner to respondents to take action in accordance with law against respondents 4 and 5, as they violated the law.

Considering the allegations made in the petition, no other or further direction deserves to be issued in this Petition, except, by directing the District Collector, and, Respondents 1 and 2, to ensure that petitioner's representation dated: 5.4.2004 is disposed of, in case, the same has been received by Respondents 1 and 2, and, in case, it has not been received, the instant writ petition itself be treated as representation, and, appropriate decision is to be taken thereupon within a period of four weeks from today. In case, Respondents 4 and 5 have converted their lands into prawn culture ponds without obtaining the consent from the competent authority, the District Collector as well as Respondent Nos. 1 and 2 will take appropriate action to ensure that respondent Nos. 4 and 5 are not permitted to violate the law, and, appropriate measures are taken at the cost of Respondents 4 and 5 to ensure that ponds are closed, or, other measures, that may have to be taken, are taken. Ordered accordingly. Writ Petition stands disposed of.

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DEVINDER GUPTA, C.J.

22.6.2004.

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G.ROHINI, J.

VR.
Note:
Copy of the order be sent to
Respondents 1, 2 and 6.

(BO)
VR

To.
1 The Mandal Revenue Officer, Sangam Mandal, Nellore District.
2 The Revenue Divisional Officer, Kavali Mandal, Nellore District.
3 The Executive Engineer, Pollution Control Board,
A.K.Nagar,Nellore,District.
4. The District Collector, Nellore District, Nellore.
5. Two ccs to Govt. Pleader, High Court Buildings, Hyderabad.
6. Two CD copies.